

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X
JANETH BARAHONA CERQUERA,

Plaintiff,

-against-

HOME DEPOT U.S.A., INC. and "JOHN DOE"
(name is unknown to plaintiff and said fictitious name
is intended to designate an employee of defendant that
pushed a shopping cart into plaintiff on 7/6/20 at approx.
4:00 p.m. at the Home Depot Store located at 112-20
Rockaway Blvd, S. Ozone Park, NY),

Defendants.
-----X

To the above named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Deer Park, New York
October 5, 2020

SALERNO & GOLDBERG, P.C.
Attorney for Plaintiff
Office & P.O. Address
1955 Deer Park Avenue
Deer Park, New York 11729
Telephone No.: (631) 482-8888



By: Allen Goldberg

DEFENDANTS' ADDRESSES:

See Rider

RIDER

**HOME DEPOT U.S.A., INC.
2455 PACES FERRY ROAD
ATLANTA, GEORGIA 30339**

**“JOHN DOE”
112-20 ROCKAWAY BLVD.
SO. OZONE PARK, NY 11420**

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X Index No.:
JANETH BARAHONA CERQUERA,

Plaintiff, **VERIFIED COMPLAINT**
-against-

HOME DEPOT U.S.A., INC. and "JOHN DOE"
(name is unknown to plaintiff and said fictitious name
is intended to designate an employee of defendant that
pushed a shopping cart into plaintiff on 7/6/20 at approx.
4:00 p.m. at the Home Depot Store located at 112-20
Rockaway Blvd, S. Ozone Park, NY),

Defendant.
-----X

Plaintiff, by her attorneys, SALERNO & GOLDBERG, P.C., complaining of the
defendants, alleges the following, upon information and belief:

**AS AND FOR A FIRST CAUSE OF ACTION
ON BEHALF OF PLAINTIFF**

1. That all times mentioned herein, plaintiff was and is a resident of the County of Queens, City and State of New York.
2. That all times mentioned herein, defendant "JOHN DOE" was and is a resident of the State of New York.
3. That at all times mentioned herein, defendant HOME DEPOT U.S.A., INC. was and is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.
4. That at all times mentioned herein, defendant HOME DEPOT U.S.A., INC. was and is a foreign corporation duly organized and existing under and by virtue of the laws of a state other than the State of New York but licensed to do business within the State of New York.
5. That on July 6, 2020, and at all times herein mentioned, defendant HOME DEPOT U.S.A., INC. owned the premises located at 112-20 Rockaway Boulevard, South Ozone Park, New York.
6. That on July 6, 2020, and at all times herein mentioned, defendant HOME DEPOT U.S.A., INC. managed the premises located at 112-20 Rockaway Boulevard, South Ozone Park, New York.

7. That on July 6, 2020, and at all times herein mentioned, defendant HOME DEPOT U.S.A., INC. maintained the premises located at 112-20 Rockaway Boulevard, South Ozone Park, New York.

8. That on July 6, 2020, and at all times herein mentioned, defendant HOME DEPOT U.S.A., INC. operated the premises located at 112-20 Rockaway Boulevard, South Ozone Park, New York.

9. That on July 6, 2020, and at all times herein mentioned, defendant HOME DEPOT U.S.A., INC. controlled the premises located at 112-20 Rockaway Boulevard, South Ozone Park, New York.

10. That on July 6, 2020, and at all times herein mentioned, defendant HOME DEPOT U.S.A., INC. occupied the premises located at 112-20 Rockaway Boulevard, South Ozone Park, New York.

11. That on July 6, 2020, and at all times herein mentioned, defendant HOME DEPOT U.S.A., INC. was a lessor of the premises located at 112-20 Rockaway Boulevard, South Ozone Park, New York.

12. That on July 6, 2020, and at all times herein mentioned, defendant HOME DEPOT U.S.A., INC. was a lessee of the premises located at 112-20 Rockaway Boulevard, South Ozone Park, New York.

13. That on July 6, 2020, there was a Home Depot store located at 112-20 Rockaway Boulevard, South Ozone Park, New York.

14. That on July 6, 2020, and at all times herein mentioned, defendant HOME DEPOT U.S.A., INC. owned the Home Depot store located at 112-20 Rockaway Boulevard, South Ozone Park, New York.

15. That on July 6, 2020, and at all times herein mentioned, defendant HOME DEPOT U.S.A., INC. operated the Home Depot store located at 112-20 Rockaway Boulevard, South Ozone Park, New York.

16. That on July 6, 2020, and at all times herein mentioned, defendant HOME DEPOT U.S.A., INC. maintained the Home Depot store located at 112-20 Rockaway Boulevard, South Ozone Park, New York.

17. That on July 6, 2020, and at all times herein mentioned, defendant HOME DEPOT U.S.A., INC. managed the Home Depot store located at 112-20 Rockaway Boulevard, South Ozone Park, New York.

18. That on July 6, 2020, and at all times herein mentioned, defendant HOME DEPOT U.S.A., INC. controlled the Home Depot store located at 112-20 Rockaway Boulevard, South Ozone Park, New York.

19. That on July 6, 2020 plaintiff JANETH BARAHONA CERQUERA was lawfully at the aforesaid premises.

20. That at all times mentioned herein, defendant "JOHN DOE" was employed by defendant HOME DEPOT U.S.A., INC.

21. That at all times mentioned herein, a shopping cart being pushed by defendant "JOHN DOE" struck the plaintiff.

22. That at all times mentioned herein, "JOHN DOE" was pushing the shopping cart while in the course and scope of his employment with defendant HOME DEPOT U.S.A., INC.

23. That the aforesaid occurred by reason of the negligence of the defendants in the ownership, operation, maintenance, management and control of the aforementioned shopping cart.

24. That the aforesaid occurred by reason of the negligence of the defendants, their agents, servants and/or employees in failing to properly hire, train and supervise their employees.

25. That by reason of the foregoing plaintiff JANETH BARAHONA CERQUERA was caused to sustain serious, severe and permanent personal injuries, pain and suffering, and special damages.

26. That this action falls within one of the exceptions of Article 16 of the C.P.L.R.

27. The amount of damages sought in this action by plaintiff JANETH BARAHONA CERQUERA exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, plaintiffs demand judgment against the defendants herein on all causes of action, in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: Deer Park, New York
October 5, 2020

SALERNO & GOLDBERG, P.C.
Attorney for Plaintiff
Office & P.O. Address
1955 Deer Park Avenue
Deer Park, New York 11729
Telephone No.: (631) 482-8888



By: Allen Goldberg

ATTORNEY'S AFFIRMATION

STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

I, the undersigned, an attorney admitted to practice in the courts of New York State, state that:

1. I am a member of the law firm of Salerno & Goldberg, P.C., the attorneys of record for in the within action.

2. I have read the foregoing COMPLAINT and know the contents thereof. The same is true to my own knowledge, except as to those matters therein alleged to be on information and belief, and as to those matters I believe it to be true.

3. The reason this verification is made by me and not by the Plaintiffs herein is because the Plaintiffs do not reside in the County of Suffolk in which said law firm is located.

4. The grounds of my belief as to all matters not stated upon my own knowledge are as follows: based on records and documents in deponents possession and conversations had with plaintiffs.

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated: October 5, 2020



Allen Goldberg

Index No.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

JANETH BARAHONA CERQUERA,

Plaintiff,

-against-

HOME DEPOT U.S.A., INC. and “JOHN DOE” (name is unknown to plaintiff and said fictitious name is intended to designate an employee of defendant that pushed a shopping cart into plaintiff on 7/6/20 at approx. 4:00 p.m. at the Home Depot Store located at 112-20 Rockaway Blvd, S. Ozone Park, NY),

Defendants.

SUMMONS AND VERIFIED COMPLAINT

SALERNO & GOLDBERG P.C.
Attorneys for Plaintiff
1955 Deer Park Avenue
Deer Park, New York 11729
(631) 482-8888